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**STATE OF IOWA**

# **Senate Journal**

**MONDAY, MARCH 28, 2011**

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# JOURNAL OF THE SENATE

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SEVENTY-EIGHTH CALENDAR DAY  
FORTY-FIFTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, March 28, 2011

The Senate met in regular session at 1:06 p.m., President Kibbie presiding.

Prayer was offered by the Honorable David Johnson, member of the Senate from Osceola County, Ochevedan, Iowa.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Jim Gulbranson.

The Journal of Thursday, March 24, 2011, was approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 24, 2011, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

**House File 267**, a bill for an act relating to the identification of historic properties by certain rural electric cooperatives.

ALSO: That the House has on March 24, 2011, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 458**, a bill for an act concerning the retention of funds due to contractors on public improvements.

Read first time and referred to committee on **Judiciary**.

President Pro Tempore Danielson took the chair at 1:15 p.m.

#### BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **House File 569** be referred from the Regular Calendar to the committee on **State Government**.

The Senate stood at ease at 1:16 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:57 p.m., President Kibbie presiding.

#### CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 491, 465, 443, 442, 415, 360, and 156.

#### **Senate File 491**

On motion of Senator Dotzler, **Senate File 491**, a bill for an act relating to the child abuse registry administered by the department of human services, was taken up for consideration.

Senator Dotzler asked and received unanimous consent that **House File 562** be **substituted** for **Senate File 491**.

#### **House File 562**

On motion of Senator Dotzler, **House File 562**, a bill for an act relating to the child abuse registry administered by the department of human services, was taken up for consideration.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 562), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### WITHDRAWN

Senator Dotzler asked and received unanimous consent that **Senate File 491** be **withdrawn** from further consideration of the Senate.

#### Senate File 465

On motion of Senator Dotzler, **Senate File 465**, a bill for an act relating to assisted living programs, including voluntary cessation of program operations and decertification, and providing penalties, was taken up for consideration.

Senator Dotzler offered amendment **S-3176**, filed by him from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment **S-3176** was adopted by a voice vote.

Senator Dotzler asked and received unanimous consent that **House File 537** be **substituted** for **Senate File 465**.

## House File 537

On motion of Senator Dotzler, **House File 537**, a bill for an act relating to assisted living programs, including voluntary cessation of program operations and decertification, and providing penalties, was taken up for consideration.

Senator Dotzler offered amendment **S-3177**, filed by him from the floor to page 1 and amending the title page of the bill, and moved its adoption.

Amendment **S-3177** was adopted by a voice vote.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (**H.F. 537**), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

## WITHDRAWN

Senator Dotzler asked and received unanimous consent that **Senate File 465** be **withdrawn** from further consideration of the Senate.

**Senate File 443**

On motion of Senator Fraise, **Senate File 443**, a bill for an act relating to preferred stock issued by cooperative associations, was taken up for consideration.

Senator Fraise asked and received unanimous consent that **House File 468** be **substituted** for **Senate File 443**.

**House File 468**

On motion of Senator Fraise, **House File 468**, a bill for an act relating to preferred stock issued by cooperative associations, was taken up for consideration.

Senator Fraise moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (**H.F. 468**), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm

Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### WITHDRAWN

Senator Fraise asked and received unanimous consent that **Senate File 443** be **withdrawn** from further consideration of the Senate.

### Senate File 442

On motion of Senator Johnson, **Senate File 442**, a bill for an act providing for voting methods which may be utilized by members of cooperative associations, was taken up for consideration.

Senator Johnson asked and received unanimous consent that **House File 348** be **substituted** for **Senate File 442**.

### House File 348

On motion of Senator Johnson, **House File 348**, a bill for an act providing for voting methods which may be utilized by members of cooperative associations, was taken up for consideration.

Senator Johnson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (**H.F. 348**), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith

Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### WITHDRAWN

Senator Johnson asked and received unanimous consent that **Senate File 442** be **withdrawn** from further consideration of the Senate.

### Senate File 415

On motion of Senator Jochum, **Senate File 415**, a bill for an act allowing an advanced registered nurse practitioner and a physician assistant to sign a death certificate, was taken up for consideration.

Senator Jochum offered amendment **S-3134**, filed by her on March 21, 2011, striking and replacing everything after the enacting clause of the bill, and moved its adoption.

Amendment **S-3134** was adopted by a voice vote.

Senator Jochum asked and received unanimous consent that **House File 393** be **substituted** for **Senate File 415**.

### House File 393

On motion of Senator Jochum, **House File 393**, a bill for an act allowing an advanced registered nurse practitioner and a physician assistant to sign a death certificate, was taken up for consideration.



Senator Jochum moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([H.F. 393](#)), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### WITHDRAWN

Senator Jochum asked and received unanimous consent that [Senate File 415](#) be **withdrawn** from further consideration of the Senate.

#### [Senate File 360](#)

On motion of Senator Sodders, [Senate File 360](#), a bill for an act relating to bail restrictions placed on criminal defendants, was taken up for consideration.

Senator Sodders offered amendment [S-3178](#), filed by him from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment [S-3178](#) was adopted by a voice vote.

Senator Soddors asked and received unanimous consent that **House File 271** be **substituted** for **Senate File 360**.

### House File 271

On motion of Senator Soddors, **House File 271**, a bill for an act relating to bail restrictions placed on criminal defendants, was taken up for consideration.

Senator Soddors moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (**H.F. 271**), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Soddors
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### WITHDRAWN

Senator Soddors asked and received unanimous consent that **Senate File 360** be **withdrawn** from further consideration of the Senate.

### Senate File 156

On motion of Senator Quirmbach, **Senate File 156**, a bill for an act relating to instruments used to update the county transfer books and index maintained by the county auditor, was taken up for consideration.

Senator Quirmbach asked and received unanimous consent that **House File 243** be **substituted** for **Senate File 156**.

### House File 243

On motion of Senator Quirmbach, **House File 243**, a bill for an act relating to instruments used to update the county transfer books and index maintained by the county auditor, was taken up for consideration.

Senator Quirmbach moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (**H.F. 243**), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## WITHDRAWN

Senator Quirnbach asked and received unanimous consent that **Senate File 156** be **withdrawn** from further consideration of the Senate.

## IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 243, 271, 348, 393, 468, 537, and 562** be **immediately messaged** to the House.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration **Senate File 492**.

**Senate File 492**

On motion of Senator Hatch, **Senate File 492**, a bill for an act relating to the duties of a guardian or conservator, was taken up for consideration.

Senator Black offered amendment **S-3179**, filed by him from the floor, striking and replacing everything after the enacting clause of the bill, and moved its adoption.

Amendment **S-3179** was adopted by a voice vote.

With the adoption of amendment **S-3179**, the Chair ruled amendment **S-3161**, filed by Senator Hatch on March 23, 2011, to page 1 of the bill, out of order.

Senator Hatch moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 492), the vote was:

Yeas, 49:

Anderson	Danielson	Hatch	Schoenjahn
Bacon	Dearden	Horn	Seng
Bartz	Dix	Houser	Seymour
Beall	Dotzler	Jochum	Smith
Behn	Dvorsky	Johnson	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Greiner	McCoy	Wilhelm
Bowman	Gronstal	McKinley	Zaun
Chelgren	Hahn	Quirnbach	
Courtney	Hamerlinck	Ragan	
Dandekar	Hancock	Rielly	

Nays, 1:

Hogg

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 492** be **immediately messaged** to the House.

#### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:00 p.m. until 9:00 a.m., Tuesday, March 29, 2011.

## APPENDIX

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Tressa Bartholomew, Carlisle—For celebrating her 106<sup>th</sup> birthday. Senator Sorenson (3/28/11).

Reverend Linda Hansen Bibb, Asbury United Methodist of Webster City—For blessing us with prayer in the Iowa Senate. Senator Beall (3/28/11).

Reverend Stephen Bibb, First United Methodist of Fort Dodge—For blessing us with prayer in the Iowa Senate. Senator Beall (3/28/11).

Sephra Byrne, Mason City—For achieving the Girl Scout Gold Award, Troop 20090. Senator Ragan (3/28/11).

Peter Carlson, Elgin—For achieving the rank of Eagle Scout, Troop 53. Senator Schoenjahn (3/28/11).

Brent Christeson, Rockford—For achieving the rank of Eagle Scout, Troop 34. Senator Ragan (3/28/11).

Lynn Engen, Ames, Founder and Director of People Place—For her 30 years of outstanding service to the families of Central Iowa. Senator Quirmbach (3/28/11).

Sarah Floden, Mason City—For achieving the Girl Scout Gold Award, Troop 20090. Senator Ragan (3/28/11).

Leo and Sandy Guest, Indianola—For celebrating their 50<sup>th</sup> wedding anniversary. Senator Sorenson (3/28/11).

Norman Hildebrand, Winterset—For celebrating his 80<sup>th</sup> birthday. Senator Sorenson (3/28/11).

Luke Hinton, Postville—For achieving the rank of Eagle Scout, Troop 53. Senator Schoenjahn (3/28/11).

Senator C.W. “Bill” Hutchins—For celebrating his 80<sup>th</sup> birthday. Senator Fraise (3/28/11).

Steven Kress, Clermont—For achieving the rank of Eagle Scout, Troop 53. Senator Schoenjahn (3/28/11).

Alyssa Lau, Mason City—For achieving the Girl Scout Gold Award, Troop 20090. Senator Ragan (3/28/11).

Rockwell Community Nursing Home—For being named to the U.S. News Best Nursing Homes. Senator Ragan (3/28/11).

Katie Simmons, Mason City—For achieving the Girl Scout Gold Award, Troop 20090. Senator Ragan (3/28/11).

Stacyville Community Nursing Home—For being named to the U.S. News Best Nursing Homes. Senator Ragan (3/28/11).

Mallorie Thompson, Mason City—For achieving the Girl Scout Gold Award, Troop 20090. Senator Ragan (3/28/11).

Henry and Joyce Vogelmann, Greene—For celebrating their 50<sup>th</sup> wedding anniversary. Senator Ragan (3/28/11).

Angela Zook, Mason City—For achieving the Girl Scout Gold Award, Troop 20090. Senator Ragan (3/28/11).

## INTRODUCTION OF RESOLUTION

**Senate Resolution 11**, by Beall and Boettger, a resolution of condolence to the people of Japan.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

## INTRODUCTION OF BILL

**Senate File 517**, by committee on Appropriations, a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, and related matters and including immediate effective date provisions.

Read first time under Rule 28 and **placed on Appropriations calendar**.

## SUBCOMMITTEE ASSIGNMENTS

### House File 454

LOCAL GOVERNMENT: Bowman, Chair; Bartz and Rielly

**House File 458**

JUDICIARY: Horn, Chair; Quirmbach and Ward

**House File 473**

LABOR AND BUSINESS RELATIONS: Courtney, Chair; Dotzler and Ward

**House File 523**

LABOR AND BUSINESS RELATIONS: Dotzler, Chair; Anderson and Courtney

**House File 569**

STATE GOVERNMENT: Danielson, Chair; Behn and Jochum

**House File 597**

COMMERCE: McCoy, Chair; Behn and Dandekar

**House File 603**

JUDICIARY: Dvorsky, Chair; Dix and Fraise

**FINAL COMMITTEE REPORT OF BILL ACTION****APPROPRIATIONS**

**Bill Title:** [SENATE FILE 517 \(SSB 1199\)](#), a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, and related matters and including immediate effective date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Dvorsky, Black, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hogg, Jochum, Ragan, and Schoenjahn. Nays, 7: Kettering, Bartz, Boettger, Dix, Houser, Johnson, and Kapucian. Present, 1: Hatch. Absent, 2: McCoy and Seymour.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on [Senate File 517](#), and they were attached to the committee report.



## BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 28<sup>th</sup> day of March, 2011.

Senate Files 149, 244, 259, 291, 299, 327, 400, 402, 429, and 483.

MICHAEL E. MARSHALL  
Secretary of the Senate

## BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 17, 2011, the Governor approved and transmitted to the Secretary of State the following bill:

[Senate File 72](#) – Relating to professions which may practice together in professional limited liability companies and including effective and applicability date provisions.

ALSO: A communication was received announcing that on March 23, 2011, the Governor approved and transmitted to the Secretary of State the following bill:

[Senate File 325](#) – Relating to the boards of directors of public corporations, and including effective date provisions.

ALSO: A communication was received announcing that on March 24, 2011, the Governor approved and transmitted to the Secretary of State the following bill:

[Senate File 464](#) – Allowing the establishment of an open season for hunting mourning doves.

### GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendation for confirmation:

#### JUDICIARY

Randy Moore – Iowa State Civil Rights Commission  
Mary Ann Spicer – Iowa State Civil Rights Commission  
Angela Williams – Iowa State Civil Rights Commission

John Chalstrom – Board of Corrections  
Michael Coleman – Board of Corrections  
Charles Larson, Sr. – Board of Corrections  
Nancy Turner – Board of Corrections

Jane Larkin – Iowa Drug Policy Advisory Council

### GOVERNOR'S APPOINTEES PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the Individual Confirmation Calendar with recommendation for confirmation:

#### JUDICIARY

John Baldwin – Director of the Department of Corrections  
William Gustoff – State Judicial Nominating Commission

### REFERRAL TO INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar":

Bob Skow – Healthy and Well Kids in Iowa (HAWK-I) Board

JOE BOLKCOM

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar":

Michael Mauro – Labor Commissioner

PAM JOCHUM

#### AMENDMENTS FILED

S-3176	S.F.	465	William A. Dotzler, Jr.
S-3177	H.F.	537	William A. Dotzler, Jr.
S-3178	S.F.	360	Steven J. Soddors
S-3179	S.F.	492	Dennis H. Black
S-3180	S.F.	484	Randy Feenstra